



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

January 9, 2025

**By ECF**

Hon. Alvin K. Hellerstein  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *The New York Times Company et al. v. FBI*, 24 Civ. 7370 (AKH)

Dear Judge Hellerstein:

This Office represents the Federal Bureau of Investigation (the “FBI” or “Government”) in the above-referenced action brought by The New York Times Company and Adam Goldman (“Plaintiffs”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

We write to respectfully request that the Court adjourn the currently scheduled January 17, 2025 initial conference to a date that is convenient for the Court the week of January 27, 2025 or any date thereafter. The reason for this request is that the undersigned will be travelling internationally on January 17, 2025, and will accordingly be unable to attend the conference. Plaintiffs consent to this adjournment request.

In addition, because this is an action brought pursuant to FOIA, which in essence seeks review of agency action, the parties respectfully submit that pursuant to Federal Rule of Civil Procedure 26(a)(1)(B)(i) and 26(f), this action is exempt from initial disclosures and the 26(f) conference and report. In addition, the parties understand that pursuant to Local Civil Rule 16.1, this FOIA action is exempt from the requirement of a mandatory scheduling order under Federal Rule of Civil Procedure 16(b). Accordingly, the parties respectfully request to be relieved from the obligation in the Court’s order dated January 7, 2025, Dkt. No. 10, to provide a case management plan, which we understand to fulfill that requirement. Moreover, the parties respectfully submit that such a scheduling order is unnecessary because the parties expect that this matter, like most FOIA matters, will be resolved either consensually by the parties or through motions for summary judgment without discovery. *See Wood v. FBI*, 432 F.3d 78, 85 (2d Cir. 2005); *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 812 (2d Cir. 1994).

We thank the Court for its consideration of this matter.

Respectfully,

EDWARD Y. KIM  
Acting United States Attorney for the  
Southern District of New York

By: /s/ Danielle J. Marryshow  
DANIELLE J. MARRYSHOW  
Assistant United States Attorney  
86 Chambers Street, Third Floor  
New York, NY 10007  
Tel: (212) 637-2689  
danielle.marryshow@usdoj.gov

cc: Counsel for Plaintiffs (By ECF)